

From: [James Staves](#)
To: [David McQuiddy](#); [oseicorp](#)
Cc: [RA Controls@EPA](#); [Darlene Sanchez](#); [Ragan Broyles](#); [Steve Mason](#)
Subject: Re: AX-12-000-6698 Pedigo Reply
Date: 05/02/2012 09:26 AM

Under the bus we need to warn them first

▼ [David McQuiddy](#)

----- Original Message -----

From: David McQuiddy
Sent: 05/02/2012 09:15 AM CDT
To: [oseicorp@msn.com](#)
Cc: RA Controls; Darlene Sanchez; Ragan Broyles; James Staves; Steve Mason
Subject: AX-12-000-6698 Pedigo Reply

(Sent on behalf of Ragan Broyles)

Dear Mr. Pedigo,

This is in response to your email dated April 12, 2012, sent to United States Environmental Protection Agency (EPA) Administrator Lisa Jackson and others, regarding your product OSE II. Since this issue is within the jurisdiction of EPA Region 6, I have been asked to reply on behalf of Administrator Jackson.

Thank you for taking the time to talk to me recently regarding your email. As we agreed on the call, I am responding to your questions regarding use of your product on the recent oil sheen in the Gulf of Mexico. Shell Oil did not acknowledge being the responsible party for the sheen, but did respond to the sheen.

As EPA Region 6 has stated in previous correspondence to you, the process for approving the use of bioremediation agents is established in Subpart J of the National Contingency Plan, 40 C.F.R. Part 300.910. The federal regulations state the Federal On-Scene Coordinator (FOSC) may approve the use of such agent, with concurrence of the Regional Response Team (RRT) representatives from EPA, the states with jurisdiction over the waters threatened by the discharge, and in consultation with the appropriate Department of Commerce (DOC) and Department of the Interior (DOI) natural resources trustees.

This particular spill was in the United States Coast Guard (USCG) area of



9550979

responsibility, therefore, the USCG provided the FOSC for this spill. If the FOSC (USCG) had decided that bioremediation agents could be used for this response, the FOSC would have requested the use through the RRT for concurrence. There was no such request; therefore, EPA does not have the authority or capability to approve or direct such use.

The RRT may also approve preauthorization plans for the use of bioremediation agents, if they are proposed by an Area Committee, with the concurrence of its representatives from EPA, the states with jurisdiction over the waters of the area where the preauthorization plan would apply, and the DOC and DOI natural resource trustees. The Region 6 RRT has received no such request by an Area Committee for preauthorization of the use of your product.

EPA Region 6 recommends you discuss the possibility of pre-authorization with the chair of the RRT Science & Technology Committee, Michael Baccigalopi of the Texas General Land Office (michael.baccigalopi@glo.state.tx.us), as well as the RRT representative from DOC, Charlie Henry (charlie.henry@noaa.gov), and DOI, Stephen Spencer (stephen_spencer@ios.doi.gov), to determine what concerns exist for pre-authorization of bioremediation agents, and how those concerns can be addressed.

If you have any questions or would like additional information, please feel free to contact me or Mr. Jim Staves of my staff at 214-789-3417, or you can email Mr. Staves at staves.james@epa.gov.

Sincerely yours,

Ragan Broyles
Associate Director, Prevention and Response Branch
Superfund Division